

Board of Selectmen Meeting
Tuesday, July 8, 2014

A Board of Selectmen meeting was held at 6:15pm on Tuesday, July 8, 2014 in Conference Room A of Town Hall. Present were five selectpersons, the Town Administrator and the Asst. Town Administrator.

6:15 Meeting Called to Order

Executive Session – Employee Disciplinary Hearing: Selectperson Murphy moved that the Board of Selectmen enter Executive Session under MGL Chapter 30A, §21(a) Exception 1: to discuss discipline of a public employee, Selectperson Sheedy seconded, Roll Call Vote: Selectperson Battistelli – aye, Selectperson Lucas – aye, Selectperson Murphy – aye, Selectperson Sheedy – aye, Chairperson Wilkinson – aye, all in favor.

Executive Session
Motion approved
Roll call vote

Selectperson Lucas moved that the Board of Selectmen continue in Executive Session under MGL Chapter 30A, §21(a) Exception 3: to discuss strategy with respect to litigation, seconded by Selectperson Murphy, Roll Call Vote: Selectperson Battistelli – aye, Selectperson Lucas – aye, Selectperson Murphy – aye, Selectperson Sheedy – aye, Chairperson Wilkinson – aye, all in favor.

Motion to
continue
Executive Session
Motion approved

Chairperson Wilkinson: “We are entering executive session because, by not doing so, it would be detrimental to the Town’s litigating position and we will reconvene in Open Session.”

Selectperson Battistelli moved that the Board leave Executive Session, seconded by Selectperson Murphy, roll call vote: Selectperson Battistelli – aye, Selectperson Lucas – aye, Selectperson Murphy – aye, Selectperson Sheedy – aye, Chairperson Wilkinson – aye, all in favor.

Motion to leave
Executive Session
Motion Approved

7:15 Pledge of Allegiance and Moment of Silence

Approval of Minutes of June 24, 2014: Selectperson Battistelli moved that the Board of Selectmen approve the minutes of June 24, 2014, Selectperson Murphy seconded, Vote: 5-0. Page 4, first paragraph, Selectperson Sheedy is opposed, she said the agreement is too broad, although it is stated in the agreement that the officer would have to be on duty in their community at the time in order to enter another community with police power.

Approval of
6/24/14 Minutes
Motion Approved

Selectmen Updates and Liaison Reports: Selectperson Lucas said that she had gone to the first swimming lesson yesterday. She stated that the lifeguards start their day at 10:00 am, and the swimming lessons begin at 9am. She asked if the lifeguards could start their day at 9am. The Asst. Town Administrator said that has already been addressed. Selectperson Battistelli said that the DEP public hearing on the Cape Ann Tool Company is next Tuesday. She said she contacted Ben Lynch/DEP requesting a press release go out before the end of this week. She said it has been referred to in various articles, but needs to go in “goings on”. Selectperson Murphy said it should be on the town website as well. Selectperson Murphy said it was good to postpone the parade; he said the Rockport Reunion was great. He said the police had a very busy night and the parade was terrific.

Selectmen
Updates and
Liaison Reports

Public Comment Period: Frederick Tarr, 154 Main St., questioned if final approval had been received from state on the use of Bedrock Well for a public water supply. J. Parisi said the Board of Selectmen signature is going on the conservation restriction tonight. He

Public Comment
Period

said as soon as they receive that, then final approval should be received. Z. Seppala, 92 Granite Street, said at the last meeting Alan McMillan spoke about fluoridation in the water and the Gloucester Daily Times has reported on a meeting that the City Council did or didn't have. He couldn't confirm this when he attempted to investigate it on line. He was looking to see if anyone else knew where it was or if it had been verified by anyone.

Town Administrator's Report: The Asst. Town Administrator spoke about a donation from Kitty Parson Requir of silver flatware valued at approximately \$300; it was at US Trust. The will indicated it would be donated to the Community House. Selectperson Battistelli recommended a small locked box to store it and it could be viewed. There are two open positions, the Town Accountant has two final candidates, the Interdepartmental Administrative Assistant had over 40 applicants, 24 met the requirements and probably 6-8 will be interviewed. Regarding the parking meters, the President of Palm has been involved; 92% of the meters have been functioning without issue. The company is committed to having 100% working; instructional stickers on the meters will assist with the use of the meters. Regarding the tax possessed properties, there has been brush cutting and clearing; on Marmion Way some fence repairs and taking care of grass. The Town Administrator said we have to comply with Chapter 30 (b) and sealed bids. She said once the property went from the tax custodian to the Board of Selectmen, the property left the tax title status and became the property of the town. The town could specify that High Street is to be sold and used for affordable housing. To maximize the value of these properties a Real Estate broker could be hired to take care of all of these things. The realtor could put it on MLS and the agent could show the properties. Chairperson Wilkinson recommended this be on the next meeting agenda to discuss and decide. That way, if the public is looking at the agendas, they will know when it's on the agenda. Selectperson Sheedy requested that the Board of Selectmen get information on affordable housing. Chairperson Wilkinson recommended two separate agenda items, because Selectperson Lucas cannot deliberate on 59 High Street. Chairperson Wilkinson directed all board members that if they can think of any questions on the properties they'd like addressed at the next meeting, they should send them to her. Selectperson Sheedy said we have one year to sell the properties. The Town Administrator said by the next town meeting, if the property hasn't been sold, town meeting would need to give another authorization.

7:50 Action List

Close Fall Town Meeting Warrant: Selectperson Lucas moved that the Board of Selectmen close the September 8, 2014 Fall Town Meeting Warrant, Selectperson Battistelli seconded, Vote: 5-0.

Conservation Restriction for Public Drinking Water Supply Protection: Selectperson Sheedy moved that the Board of Selectmen accept and sign a Conservation Restriction for Public Drinking Water Supply Protection granted by Jerden's Lane LLC, Selectperson Lucas seconded, Vote: 5-0.

Bedrock Well Access Easements: Selectperson Murphy moved that the Board of Selectmen accept, approve, and sign an Easement Agreement with Katherine A. Irvine Sullivan, Elizabeth G. O'Donoghue, and Victoria L. Ives, Trustees of 90 Pleasant Street Condominium, for the non-exclusive right and easement in, on, over and across portions of the Premises as documented in paragraph number 1 for the purpose of accessing the Bedrock Well off Main Street, Selectperson Battistelli seconded, Vote: 4-0. Selectperson Sheedy abstained.

Easement RHA and the Town of Rockport: Selectperson Battistelli moved that the Board of Selectmen accept, approve and sign an easement agreement entered into with the Rockport Housing Authority, duly established under Chapter 121(b) of the MGL and the Town of Rockport and the Mass. Municipal Corporation, on a certain parcel of land located on Kitefield Road in Rockport for the non-exclusive right and easement in, on, over and across portions of the premises as documented in paragraph #1 for the purpose of water supply and water shed protection purposes, seconded by Selectperson Sheedy, Vote: 5-0.

Action List
continued

Easement RHA
and Town of
Rockport
Motion
Approved

Penryn Way Roadway Resurfacing Agreement: Selectperson Battistelli moved that the Board of Selectmen accept, approve and sign an agreement with Nocella Paving of 185 New Boston Street in Woburn, Massachusetts for the provision of materials and services necessary to complete the Penryn Way Roadway Resurfacing project for a cost of \$48,400, Selectperson Murphy seconded, Vote: 5-0.

Penryn Way
Resurfacing
Agreement
Motion
Approved

American Legion Exterior Restoration Agreement: Selectperson Lucas moved that the Board of Selectmen approve and sign an agreement with Meadows Construction Company of Newburyport, Massachusetts for the provision of materials and services necessary to complete the American Legion Exterior Restoration project for a cost of \$118,000, Selectperson Sheedy seconded, Vote: 5-0.

American
Legion Exterior
Restoration
Agreement
Motion
Approved

Town Art Restoration Contracts: Selectperson Murphy moved that the Board of Selectmen approve and sign an agreement with Mehlin Conservation of 3 Southern Avenue, Essex, Massachusetts for the provision of professional services for restoration of certain works of art as listed in Appendix B and for costs not to exceed \$2,720, Selectperson Sheedy seconded, Vote: 5-0.

Town Art
Restoration
Contract
Motion
Approved

Selectperson Sheedy moved that the Board of Selectmen approve and sign an agreement with Cape Ann Fine Art Framing of 1 Whale Cove Road, Rockport, Massachusetts for the provision of professional services for restoration of certain works of art listed in Appendix B and for costs not to exceed \$315, seconded by Selectperson Lucas, Vote: 5-0.

Town Art
Restoration
Contract
Motion
Approved

Permission for CATOC Electronic Sign: Selectperson Battistelli moved that the Board grant permission to the Cape Ann Transportation Operating Company to place a 4-foot by 8-foot electronic display sign directly beyond the Welcome to Rockport sign on Main Street during the months of July, August, and weekends in September to promote the Blue Gate Meadow Park N Ride shuttle service, Selectperson Murphy seconded, Vote: 5-0.

Permission for
CATOC
Electronic Sign
Motion
Approved

Permission for October HarvestFest: Selectperson Lucas moved that the Board of Selectmen grant permission to the Rockport Festivals Committee to hold the annual Rockport HarvestFest event in the downtown area on Friday, October 17th from 12 noon to Saturday, October 18th at 6 pm and to erect tents on one side of T Wharf and to temporarily close the road in Dock Square between the Blue Lobster Grille restaurant and the Dock Square traffic island, Selectperson Murphy seconded, Vote: 5-0.

Permission for
October
HarvestFest
Motion
Approved

Nomination of Darlene Trumbour to the Cultural Council: Selectperson Battistelli nominated Darlene Trumbour as a member of the Rockport Cultural Council for a one year term to expire on June 30, 2015, Selectperson Sheedy seconded, Vote: 4-0. Selectperson Murphy abstained.

Nomination of
Darlene
Trumbour to
Cultural
Council
Motion
Approved

Nomination of Julie Andrews to the Cultural Council: Selectperson Sheedy nominated Julie Andrews as a member of the Rockport Cultural Council for a one year term to expire on June 30, 2015, Selectperson Battistelli seconded, Vote: 5-0.

Nomination of
Julie Andrews
to Cultural
Council
Motion
Approved

Resignation of
Gilbert McCarthy
Rights of Way
Motion Approved

Resignation of Gilbert McCarthy from Rights of Way: Selectperson Battistelli moved that the Board accept the resignation of Gilbert McCarthy from the Rights of Way Committee effective immediately, Selectperson Sheedy seconded, Vote: 5-0.

Appointment of
Edmund Montello
to Harbor
Advisory
Committee
Motion Approved

Appointment of Edmund Montello to the Harbor Advisory Committee: Selectperson Lucas moved that the Board reappoint Edmund Montello to the Harbor Advisory Committee for a one year term to expire on June 30, 2015, Selectperson Murphy seconded, Vote: 5-0.

Appointments to
Conservation
Commission
Motion Approved

Appointment of Alan MacMillan Jr, Mary Ann Lash and Lawrence Neal to the Conservation Commission: Selectperson Murphy moved that the Board appoint Alan MacMillan, Mary Ann Lash and Lawrence Neal, all, to the Conservation Commission for three year terms to expire on June 30, 2017, Selectperson Sheedy seconded, Vote: 5-0.

Appointment of
Gail Zeman to
Memorial Day
Parade Committee
Motion Approved

Appointment of Gail Zeman to the Memorial Day Parade Committee: Selectperson Sheedy moved that the Board appoint Gail Zeman to the Memorial Day Committee for a one year term to expire on June 30, 2015, Selectperson Battistelli seconded, Vote: 5-0.

Appointment of
Interim Veteran's
Agent
Motion Approved

Appointment of Interim Veteran's Agent: Selectperson Sheedy moved that the Board appoint Adam Ludovicz as Interim Veterans Agent for a six month term to expire on December 31, 2014, Selectperson Lucas seconded, Vote: 4-0. Selectperson Battistelli abstained.

Yearend Transfers
Motion Approved

Yearend Transfers: Selectperson Lucas moved that the Board of Selectmen approve the Year End transfers as documented and submitted on the Yearend Transfers Between or Within Departments form dated July 8, 2014, Selectperson Sheedy seconded, Vote: 5-0, from Annual audit to Assessor's Clerk (\$604.89) and from Annual Audit to Zoning Board Clerk (\$207.70).

2 Old County
Road
Lease transfer
Motion Approved

2 Old County Road Lease: Selectperson Murphy moved that the Board of Selectmen approve and sign a lease for 2 Old County Road with Niklas and Rechele Jordow to reflect a transfer of ownership, Selectperson Sheedy seconded, Vote: 5-0.

Street Performer
Policy Revision
Motion Approved

Street Performer Policy Revision: Selectperson Sheedy moved that the Board of Selectmen accept the revision made to the Street Performer Policy on May 27, 2014, Selectperson Lucas seconded, Vote: 5-0. Temporary licenses were issued that were valid until tonight. Selectperson Lucas said to measure decibels, you could carry meters but the conditions would need to be exactly the same (busy, windy, day of week, time of day, etc.), then the same number of feet from the performer. Those with temporary licenses will obtain new licenses; any new licenses being applied for will need to come before the Board of Selectmen. Selectperson Lucas said fines for violations would be appropriate. Selectperson Sheedy amended the motion to accept the revisions on May 27 as set forth on pages 100, 101, and 102, of tonight's packet, seconded by Selectperson Murphy, all in favor 5-0.

8:45 Discussion Items

Discussion
Items:

Selectmen
Liaison
Assignments

Selectmen Liaison Assignments: Chairperson Wilkinson said board members can remain with a committee if they would like to. Selectperson Murphy said he would like to stay with the schools. Selectperson Battistelli said the Chairperson shouldn't have a committee that requires many regular meetings. She said the DPW is a big commitment as is the Finance Committee; Chairperson Wilkinson and Selectperson Battistelli will switch liaison assignments so Chairperson Wilkinson will take the Finance Committee and Selectperson Battistelli will take the DPW. Selectpersons Lucas and Sheedy will keep CIPC.

Other Business/Announcements: Selectperson Murphy thanked Chairperson Wilkinson for her communications to the town.

9:00 Selectperson Murphy moved to adjourn, seconded by Selectperson Sheedy, Vote: 5-0.

Warrant Signed:

Warrant signed for the Fiscal Year 2014 Payroll and Expenses for the week of 7/10/14 in the amounts of \$228,756.90 and \$91,953.40 respectively.

Items signed:

Easement agreement Katherine Irvine Sullivan

Penryn Way Resurfacing Agreement

Meadows Construction

Art Restoration Agreement

Niklas Jordow, Long Beach Lease

Herman Fritz, Street Performer's License

David Whitley Street Performer's License

Cady Whitley, Street Performer's License

Simon Zaslavsky, Street Performer's License

Yearend Transfer

David Zeserson, 16 Beach, Street Performer's License

Alek Razdan, Street Performer's License

Brittney Betts, Street Performer's License

Nate Weaver, Street Performer's License

Jerden's Lane, Conservation Restriction

Jorge Goldschmied Chale, Street Performer's License

Dora Tevan, Street Performer's License

Bonnie Barish, Street Performer's License

Implementation of Active Street Certification Program

RHA, easement agreement